

**COUNTY OF LOUDOUN**  
**DEPARTMENT OF PLANNING**  
**MEMORANDUM**

**DATE:** December 30, 2008  
**TO:** Loudoun County Planning Commission  
**FROM:** Marchant Schneider, Project Manager  
**SUBJECT:** January 8, 2009 Planning Commission Worksession  
HealthSouth Rehabilitation Hospital  
SPEX 2008-0018, SPEX 2008-0025

**BACKGROUND**

The Planning Commission held a public hearing regarding the above-mentioned applications on December 18, 2008. No members of the public spoke regarding the applications. Commissioners discussed the timing of the realigned Millstream Drive across frontage of the Property as well as pedestrian connections to the existing Stone Ridge Village Center. Commissioners also discussed the staff proposed re-striping and fair share traffic signal contribution specific to the intersection of Millstream Drive and Stone Springs Boulevard. The Commission voted 8-0 (Syska absent) to forward the Special Exception (SPEX) applications to a subsequent Planning Commission worksession for further discussion.

The Planning Commission Public Hearing Staff Report indicated the recommended Conditions of Approval had not been agreed upon by the Applicant; specifically, transportation improvements at the intersection of Millstream Drive and Stone Springs Boulevard. The status of the issue is outlined below.

**APPLICANT REVISIONS**

The Applicant has made the following minor changes to the Special Exception Plat:

1. A second public access easement for a multi-purpose trail has been added on the eastern portion of the Property, in accordance with the approved Concept Plan for ZMAP 1994-0017 and ZMAP 2002-0013, Stone Ridge. The additional easement will facilitate a pedestrian connection from Millstream Drive to a multi-purpose trail bordering the southern boundary of Property, adjacent to the South Fork of the Broad Run.
2. A six foot (6') sidewalk on north side of Millstream Drive has been added to the plat, in accordance with the approved Concept Plan for ZMAP 2002-0013, Stone Ridge, which facilitates a pedestrian connection from the Property to the existing Stone Ridge retail center east of the site. The trail is proffered to be constructed by the developer of Stone Ridge (ZMAP 2003-0013).

3. Conceptual elevations for the proposed hospital facility (Sheet 8A) have been revised to reflect the design requirement of Condition 6a and as well as to accurately reflect the scale and massing of the hospital building.

## **COMMUNITY MEETING**

The Applicant held a community meeting at the Stone Ridge Community Center on December 10, 2008. Several members of the public attended as well as the Dulles District Planning Commissioner.

## **ISSUE**

1. **Intersection Improvements – Stone Springs Boulevard / Millstream Drive.** The Applicant's traffic study demonstrates adequate Levels of Service (LOS) D or better for roadways anticipated to serve the proposed use both under existing conditions and upon the forecasted build-out of the Hospital use in 2012. The Countywide Transportation Plan (CTP) specifies a LOS D or better as an acceptable Level of Service. Despite an overall acceptable Level of Service at the intersection, OTS and VDOT staff have stated a signal warrant analysis could require a traffic signal due to the high left turn movements at the intersection as indicated by the Applicant's traffic study. In such a case, a fair share contribution to the signal from the Applicant is deemed reasonable.

**Applicant Response:** The Applicant objects to the recommended fair share contribution. The Applicant proposes to improve PM peak hour trip LOS at the intersection through re-striping and signage, which improves the LOS from LOS E to LOS D. The Applicant states the additional fair share contribution is in excess of the impact of the proposed Special Exception use and is otherwise addressed through regional road contribution monies and signal warrant analyses proffered with ZMAP 1994-0017, Stone Ridge (See Attachment 3).

**Staff Recommendation.** The attached Conditions of Approval require re-striping and signage improvements prior to or in conjunction with zoning permit approval for the first phase of the project. A separate \$15,000 fair share contribution is to be provided in conjunction with the second phase of the project (41+ patient beds). The signal warrant analysis recommended by Staff has been previously provided by Condition 9 of SPEX 2005-0010, Stone Ridge 7-Eleven.

2. **Conditions of Approval.** The Conditions of Approval have been revised to reflect subsequent discussions by the Applicant and Staff following the distribution of the Planning Commission Public Hearing Staff Report. The amended Conditions of Approval are included as Attachment 2. One major change is the specificity of mitigating aircraft noise when applying an acoustical treatment to the hospital facility. Staff supports the revised changes; however, as noted above, the Applicant has requested Condition 5c not apply to the Special Exception application.

3. **Emergency Services Contribution.** Per the adopted Board Fire and Rescue Policy, all applicants are requested to provide a one-time contribution of \$0.10 per gross square foot of non-residential floor area to be distributed to the primary volunteer fire and rescue agencies, escalated annually from the base year when the policy was adopted (1988). The Planning Commission Public Hearing Staff Report indicated a fire-rescue contribution had not been offered by the Applicant. During subsequent discussions by the Applicant and Staff, it was determined the requested contribution is provided by the proffer statement for ZMAP 1994-0017, Stone Ridge.

### **STAFF RECOMMEDATION**

Staff recommends that the Planning Commission forward the Special Exception application to the Board of Supervisors with a recommendation of approval subject to the attached development conditions. As proposed, the use is consistent with the existing land use policies of the Revised General Plan for the subject area (Business Community) and with the Revised 1993 Zoning Ordinance.

### **DRAFT MOTION(S):**

- 1a. I move that the Planning Commission forward SPEX 2008-0018 and SPEX 2008-0025, HealthSouth Rehabilitation Hospital, to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval dated December 30, 2008, as amended by the Commission, and based on the Findings for Approval attached.

**OR,**

2. I move that the Planning Commission forward SPEX 2008-0018 and SPEX 2008-0025, HealthSouth Rehabilitation Hospital, to a subsequent Planning Commission worksession for further discussion.

**OR,**

3. I move an alternate motion.

### **Attachments**

1. Findings for Approval
2. Conditions of Approval dated December 30, 2008
3. Applicant Correspondence dated December 30, 2008
4. Plat dated February 15, 2008, revised through December 30, 2008

**FINDINGS FOR APPROVAL  
SPEX 2008-0008, SPEX 2008-0025,  
HEALTHSOUTH REHABILITATION HOSPITAL**

1. The proposed special exception for Hospital use is consistent with the existing land use policies of the Revised General Plan (RGP) for the subject area (Suburban Policy Area – Business Community). Subject to the prescribed development conditions, the proposed special exception use will be in accordance the RGP.
2. The proposed special exception is consistent with the Countywide Health Care Facilities policies of the Revised General Plan.
3. The proposed special exception for Hospital use and minor special exception to reduce the minimum required setback for principal hospital structures is in accordance with the Revised 1993 Zoning Ordinance.
4. The special exception proposes intersection improvements (Stone Springs Boulevard / Millstream Drive) and pedestrian improvements which will assist in the implementation of the Revised Countywide Transportation Plan.
5. Subject to the prescribed stormwater management measures and water resource management buffers, the special exception application preserves appropriate environmental resources on the Property. The proposal will minimize impacts on state waters and wetlands.

**CONDITIONS OF APPROVAL  
SPEX 2008-0008, SPEX 2008-0025,  
HEALTHSOUTH REHABILITATION HOSPITAL**

**(December 30, 2008)**

1. **Substantial Conformance.** The proposed Hospital use shall be developed in substantial conformance with Sheet 1, Sheet 3a, Sheet 6, and Sheet 7 of the Special Exception Plat for HealthSouth Rehabilitation Hospital of Northern Virginia, prepared by The Engineering Groupe, Inc. dated February 15, 2008, revised through ~~September 16~~ December 30, 2008 (the "Plat") and the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance"). Approval of this application does not relieve the Applicant of any Zoning Ordinance, Codified Ordinance, or any other regulatory requirement, except as permitted by SPEX 2008-0025. As used in these conditions, "Applicant" includes the owners of the ~~property~~ Property subject to the Special Exception approval, its successor, and parties developing, establishing or operating any of the approved Special Exception uses.
2. **Uses Permitted.** Approval of the Special Exception grants approval for a Hospital use, as defined by the Revised 1993 Loudoun County Zoning Ordinance, in the PD-IP (Planned Development – Industrial Park) Zoning District. The cumulative total of the Hospital use shall not exceed 65,000 square feet of floor area.
3. **Lighting.** Site lighting shall conform to Section 5-1500 of the Revised 1993 Loudoun County Zoning Ordinance and Sections 7.110 and 7.120 of the Facilities Standards Manual (FSM). The following standards shall also apply:
  - a. **Light Fixtures.** Exterior building lighting and parking lot lighting shall be cut-off and fully shielded and shall direct light downwards and into the interior of the Property and away from surrounding public roads and properties. Low-pressure sodium lamps shall be prohibited.
  - b. **Exterior Building Lighting.** Exterior building lighting shall not exceed a maximum average illumination of five (5) foot-candles at grade level unless otherwise required by law, ordinance, or regulation.
  - c. **Parking Lot Lighting.** Parking lot lighting shall not exceed a maximum average illumination of two (2) foot-candles at grade level unless otherwise required by law, ordinance, or regulation.
  - d. **Height of Light Fixtures.** The mounting height of any exterior light fixture shall not exceed 20 feet. Height shall be measured from the ground to the bottom of the light fixture.

4. **Acoustical Treatment.** The proposed ~~hospital~~Hospital use shall be constructed to achieve a maximum interior noise level of 45 dBA. to mitigate aircraft noise attributed to the Property's location within the Airport Impact (AI) Overlay District (Dulles International Airport). Documentation demonstrating an interior noise level not exceeding 45 dBA, as a result of aircraft noise, certified by a licensed acoustical engineer qualified to evaluate said standard, shall be provided to the County prior to or in conjunction with approval of the first zoning permit for the Hospital use.
5. **Transportation Improvements.** The following transportation improvements shall be provided ~~prior to or in conjunction with~~by the first zoning for the Property unless otherwise noted. Applicant:
  - a. **Intersection of Stone Springs Boulevard / Millstream Drive.** ~~Re~~Prior to or in conjunction with first zoning permit approval for the Property, the Applicant shall re-stripe and install accompanying signage on eastbound Millstream Drive in order to provide a left turn lane at Stone Springs Boulevard, subject to Virginia Department of Transportation (VDOT) approval.
  - b. **Public Access Easement.** ~~Convey~~Prior to or in conjunction with first zoning permit approval for the Property, the Applicant shall convey to the County, or a third party designated by the County, ~~a~~-ten foot (10') wide permanent public access easements as depicted on the Plat at Sheet 6. Such conveyance shall be at no cost the County and shall be intended to facilitate construction of ~~a~~-multi-purpose ~~trail~~trails required by ZMAP 1994-0070017 and ZMAP 2002-0013, either on the Property or within Landbay ZZ. Construction of said ~~public easement~~multi-purpose trails shall not be the responsibility of the Applicant.
  - c. **Fair-Share Traffic Signal Contribution.** Prior to or conjunction with issuance of zoning permits permitting more than 40 patient beds for the Hospital use, the Applicant shall provide to the County, or a third party designated by the County, a one time payment of \$15,000. Said payment shall be used for construction of traffic signal at the intersection of Stone Springs Boulevard and Millstream Drive. The amount of such payment to the County, or a third party designated by the County, shall escalate annually from the base year of 2009 and shall change effective each January 1<sup>st</sup> thereafter, based on the Consumer Price Index (CPI-U) for all urban consumers, 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics.
6. **Bicycle Storage / Shower Facilities.**
  - a. A minimum of two (2) bicycle racks shall be provided as depicted on the Plat at Sheet 56.
  - b. A minimum of one (1) shower facility shall be provided to employees of the Hospital use.

7. **Architectural Design Elements.** The ~~applicant~~Applicant shall develop the proposed ~~hospital~~Hospital use consistent with the Stone Ridge Design Guidelines for Construction, as amended, and shall incorporate the following design elements:

~~a. **Building Accent Materials.** The exterior façade of the hospital use shall consistent of 80% brick.~~

a. **Building Accent Materials.** The exterior façade of the Hospital use shall consist of at least 80% masonry material.

b. **Building Setback.** The entrance canopy for the ~~hospital~~Hospital use shall not ~~encroach~~constructed less than ~~70~~seventy feet ~~from~~(70') to the southern boundary line. The exterior building façade shall not ~~encroach~~be constructed less than ~~95~~ninety-five feet ~~from~~(95') to the southern boundary line.

8. **Energy Efficiency / Water Efficiency.** Development of the Hospital use shall incorporate the energy / water efficiency standards identified below. Inclusion of these standards shall be demonstrated prior to, or in conjunction with, zoning permit approval for the Hospital use.

- ~~a. Drought-tolerant landscaping and use of a drip irrigation system;~~
- b. Installation of toilets and urinals requiring less than 1.6 gallons per flush and shower heads requiring less than 2.5 gallons per minute at 80 pounds per square inch;
- c. Installation of energy efficient T8 light bulbs in each 2 by 4 lay-in light fixture;
- d. Installation of energy efficient light emitting diode (LED) exit signs;
- e. Installation of automated programmable Heating Ventilation and Air Conditioning (HVAC) controls in common areas;
- f. Installation of an Energy Management System to track energy consumed by the heating ventilation and air conditioning systems; and
- g. Installation of energy-efficient windows with a U-factor of 0.4 or less.

9. **Tree Save Areas.**

a. Within the areas identified on the Plat at Sheet 6 as "Tree Save Areas," the Applicant shall ~~preserve health~~not disturb existing trees provided, however, that trees may be removed to the extent necessary for encroachments due to installation of utilities and storm drainage facilities as permitted by the Facilities Standards Manual (FSM).—A minimum of eighty (80) percent of the canopy within the cumulative Tree Save Areas depicted on the Plat will be preserved, exclusive of stands of Virginia Pine and Eastern Red Cedar over 25 years in age. In the event that the eighty (80) percent canopy threshold cannot be achieved within the designated Tree Save Areas, such lost canopy will be recaptured elsewhere on the Property in locations to be designated at the discretion of the Applicant in consultation with the County. Boundaries of all

Tree Save Areas shall be delineated on the site plan for each phase of the development.

- b. If, prior to bond release, it is determined by the Applicant's certified arborist and/or the County that any healthy tree located within the boundaries of any of the Tree Save Areas has been damaged during construction and will not survive, then, the Applicant shall remove each such tree and replace each such tree with two (2) 2½ - 3 inch caliper native, non-invasive deciduous trees. The placement of the replacement trees shall be proximate to the area of each such damaged tree so removed, or in another area as requested by the County.
- c. After construction has been completed by the Applicant, Forest Management Techniques, performed by or recommended by a professional forester or Certified Arborist, that are necessary to protect or enhance the viability of the canopy may be undertaken. Such Management Techniques may include, without limitation, pruning and the removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, dead, or are considered a hazard to life or property. The site plan for the Property shall contain a note stating that the removal of trees within a Tree Save Area is prohibited except in accordance with the provisions outlined in this note.



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December 30, 2008

Loudoun County Planning Commission  
1 Harrison Street  
Third Floor  
Leesburg, Virginia 20175



**Re: HealthSouth Special Exception Applications 2008-0018 and 2008-0025**

Dear Chairman Tolle and Members of the Planning Commission:

A question arose at the Planning Commission Public Hearing on December 18, 2008, concerning a condition of approval for transportation improvements at the intersection of Stone Springs Boulevard and Millstream Drive. In particular, County staff requested that HealthSouth contribute approximately \$15,000 toward a future traffic signal at this intersection, and also re-stripe the lanes on eastbound Millstream Drive, so as to add a dedicated left turn lane from Millstream Drive onto Stone Springs Boulevard. After further discussion with the applicant and staff, the applicant has agreed to provide the requested re-striping of Millstream Drive, subject to VDOT approval. However, the recommended condition for a cash contribution of \$15,000 toward a future traffic signal merits additional discussion.

Special Exception review and conditions of approval are intended to off-set the impacts of a proposed development. In this case, as part of staff's review of these special exception applications, HealthSouth has offered transportation and environmental improvements that more than off-set the proposed hospital's impacts on the community and County. As a result, the requested transportation contribution of \$15,000 goes beyond what is required to off-set any transportation impacts. HealthSouth will more than off-set its transportation impacts to the Millstream Drive/Stone Springs Boulevard intersection by re-striping eastbound Millstream Drive just west of Stone Springs Boulevard. Without re-striping and with the intersection's continued operation as a 4-way stop, the overall intersection will operate with the proposed hospital at a Level of Service D, which is an acceptable Level of Service under the County's standards. By re-striping, HealthSouth will improve the Level of Service for the left turn movement on eastbound Millstream Drive onto northbound Stone Springs Boulevard, from an 'E' to a 'D' during the PM peak-hour -- the most congested hour of operation. Even though re-striping is not necessary to the acceptable operation of the overall intersection, HealthSouth has nonetheless offered to re-stripe Millstream Drive to improve the flow of traffic on eastbound Millstream Drive.

In addition to the re-striping of Millstream Drive, HealthSouth is obligated to fulfill certain proffers included in the Stone Ridge Proffer Statement (the "Stone Ridge Proffers"), which were approved under ZMAP 1994-0017. The Stone Ridge Proffers anticipated and accounted for the impact that the build-out of the Stone Ridge project, including the HealthSouth site, would have on the surrounding road network. To off-set these impacts, the Stone Ridge Proffers require certain transportation improvements and contributions in conjunction with non-residential development. Specifically, the Stone Ridge Proffers require a cash

contribution in the amount of \$0.50 (1996 dollars) per gross square foot of development to be paid by the developer of the HealthSouth site for regional road improvements in the Dulles South area. In 2008 dollars, the HealthSouth contribution would be \$0.68 per gross square foot, or \$42,160 for the 62,000 square foot project.

The Stone Ridge Proffers fully accounted for and offset the impact that PD-IP development in Stone Ridge, including development on the HealthSouth property, would have on the surrounding road network. Moreover, the HealthSouth project is estimated to have *less* of a peak-hour impact on the road network than the by-right PD-IP development that was assumed under the Stone Ridge Proffers<sup>1</sup>. Because the proposed HealthSouth project creates a less intensive use upon the road network than by-right PD-IP development of the HealthSouth parcel, HealthSouth is more than off-setting its road impacts by performing in accordance with, and paying the monies due under, the Stone Ridge Proffers. A by-right PD-IP development, with a greater impact on the surrounding road network, would not be required to contribute to a traffic signal at Millstream Drive and Stone Springs Boulevard, unless the signal were shown to be warranted at the time of development. Since a traffic signal at the Millstream Drive/Stone Springs Boulevard intersection is not warranted based on the future intersection operations (with localized growth and site traffic), there is no basis for requesting a contribution by HealthSouth for the traffic signal.

Under the Stone Ridge Proffers, the developer is obligated to study the need for a traffic signal at Millstream Drive and Stone Springs Boulevard, as future development along Millstream Drive occurs. If such a signal is warranted as a result of future development within Stone Ridge, then monies will be available in two ways: there will be monies available from the regional road contributions required of every non-residential developer within Stone Ridge, and there will be a traffic signal bond and monies available from the Stone Ridge developer when a division of land occurs at such time that a signal is determined to be warranted.

For these reasons, HealthSouth requests that the Planning Commission forward SPEX 2008-0018 and SPEX 2008-0025 to the Board of Supervisors with a recommendation of approval, absent a condition to contribute cash toward a traffic signal at Millstream Drive and Stone Springs Boulevard.

Sincerely,

REED SMITH LLP



Sally Hankins

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<sup>1</sup> The Traffic Impact Analysis prepared for HealthSouth Rehabilitation Hospital of Northern Virginia by PHRA (Revised September 8, 2008) estimated 74 AM and 78 PM peak-hour trips for the proposed 60-bed facility. (See Revised Table 6 at page 23). Development of by-right flex industrial uses would generate 139 AM and 121 PM peak-hour trips. Therefore, the proposed hospital's peak-hour traffic is decreased by 65 AM trips (two-way) and 43 PM peak hour trips – a 47% and 36% reduction from by-right employment uses, respectively. Daily trips increase by approximately 20% over by-right flex industrial uses, but it is the peak-hour volumes (ie; the most congested time periods) that determine the intersection's operation and Level of Service.